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REMARKS

Claims 1-9, 11, and 13 are pending in the application.

Claims 1, 6, 7, 9, and 13 are currently amended.

Claims 2-5, 8, 10, 12, and 14 are canceled.

Claims 1, 6, 7, 9, 11, and 13 would be all of the claims remaining in the application if the present amendments are entered.

Claim Amendments

Claim 1 is currently amended to incorporate the subject matter from dependent claims 2, 4, 5, and 8. Also, the definitions of 5-membered heteroarylenyl, D, R⁵, X, and V have been deleted from claim 1 because they are now unnecessary because of the incorporation. The dependencies of claims 6 and 7 are currently amended in view of the cancellation of claims 2-5. Claim 9 is currently amended to independent form in view of the cancellation of claim 8. Claim 13 is currently amended to depend from claim 9. Applicants maintain their option to pursue any deleted subject matter in the present application or a continuing application.

Claim Rejection – 35 U.S.C. § 112, Second Paragraph

In the Office Action, claims 1-9, 11, and 13 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It was stated that the definition of group D is vague and unclear because, for example, the second choice in the definition of D is already recited in the first choice. Further, it was alleged that the point of attachment of the choices for D is not clear. Apparently the definition of group Q is also objected to in view of the reference to the Q group, "C=C-CH₂," in the rejection.

Applicants traverse the rejection because claims 2-5 and 8 are canceled, rendering rejection of claims 2-5 and 8 moot, and because Applicants believe that the subject matter of claims 1, 6, 7, 9, 11, and 13 is distinctly claimed for the reasons provided below.

As mentioned above, claims 1, 6, 7, 9, and 13 are currently amended. However, even before the current amendments, Applicants believe that the choices for D and Q objected to in the rejection were clear. One of ordinary skill in the art would have known

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that the choices showed each orientation of D with respect to Q and $-(V^1)_t$, and each orientation of Q with respect to R^1 and D, that was contemplated for the compound of Formula I, $R^1-Q-D-(V^1)_t-R^2$. Also, before the definition of Q was currently amended, group Q was defined in claim 1 according to whether it was attached to a nitrogen atom or a carbon atom of group D. This further indicated to one of ordinary skill in the art that the orientation of Q was taken into account in the definition of Q. Still further, group D was described in claim 1 as a "diradical" and the points of attachment in the choices for D were indicated by conventional radical bonds, "•". The "•" would have been readily recognized by one of ordinary skill in the art as indicating the points of attachment.

As currently amended, the definition of D in claim 1 has been deleted, rendering the objection to the definition of D moot. The definition of Q in claim 1 has been amended to Q is $N(R^6)C(O)$ or $C \equiv C$. The $C \equiv C$ group is symmetrical, which renders the rejection with respect to $C \equiv C$ moot. For reasons analogous to those provided above, Applicants believe that one of ordinary skill in the art would have understood that the orientation of $N(R^6)C(O)$ with respect to R^1 and the pyrazinedione of Formulas II or IV is as drawn in the definition of Q, i.e., such that the nitrogen bearing R^6 is attached to R^1 and the carbonyl carbon is attached to the pyrazinedione of Formulas II or IV. Accordingly, Applicants believe that the subject matter of claims 1, 6, 7, 9, 11, and 13 is definite and that the claims are patentable under 35 U.S.C. § 112, second paragraph.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

In the Office Action, claims 1-8, 11, and 13 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for Q is $CH(R^6)CO$ or $CH(R^6)CS$, as substituents on nitrogen of pyrazinone, allegedly does not reasonably provide enablement for S-, N-, and "C+C" radical linked substituents on the nitrogen of the pyrazinone. Applicants traverse the rejection because claims 2-5 and 8 are canceled, rendering rejection of claims 2-5 and 8 moot, claim 13 is amended to depend from claim 9, which is not rejected here, and because Q in claim 1 is linked to a carbon atom, not a nitrogen atom, of the pyrazinedione ring of the compound of Formula II or IV. Accordingly, Applicants believe that the subject matter of claims 1, 6, 7, 11, and 13 is enabled and that the claims are patentable under 35 U.S.C. § 112, first paragraph.

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In the Office Action, claim 13 is rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for treating osteoarthritis and rheumatoid arthritis with compounds of claim 9, allegedly does not reasonably provide enablement for any or all Q choices and other variables generically embraced in the instant claims. Applicants traverse the rejection. To advance prosecution, claim 13 is currently amended to depend from claim 9, thereby conforming the subject matter of claim 13 to that which was stated in the Office Action as being enabled. Accordingly, Applicants believe that claim 13 is patentable under 35 U.S.C. § 112, first paragraph.

Conclusion

In view of the above amendment and remarks, Applicants believe that the rejections have been overcome and request reconsideration of claims 1, 6, 7, 9, 11, and 13.

Respectfully submitted,

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